

Patrick J. Murphy, WSB No. 7-1779
 Scott C. Murray, WSB No. 7-4896
 WILLIAMS, PORTER, DAY & NEVILLE, P.C.
 159 N. Wolcott, Ste. 400
 P.O. Box 10700 (82602)
 Casper, WY 82601
 Email: pmurphy@wpdn.net
smurray@wpdn.net

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF WYOMING**

BCB CHEYENNE LLC d/b/a BISON)	
BLOCKCHAIN, a Wyoming limited liability)	
Company,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 23-CV-79
)	
MINEONE WYOMING DATA CENTER,)	
LLC, a Delaware limited liability company;)	
MINEONE PARTNERS LLC, a Delaware)	
limited liability company; TERRA CRYPTO)	
INC., a Delaware corporation; BIT ORIGIN,)	
LTD, a Cayman Island Company;)	
SONICHASH LLC, a Delaware limited)	
liability company; BITMAIN)	
TECHNOLOGIES GEORGIA LIMITED,)	
a Georgia corporation; and JOHN DOES 1-18,)	
related persons and companies who control)	
or direct some or all of the named Defendants,)	
)	
Defendants.)	

**PLAINTIFF'S EXPEDITED MOTION FOR AN EXTENSION OF TIME TO
 FILE AN OVER-LENGTH RESPONSE TO THE MINEONE DEFENDANTS'
 MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS [ECF 366]**

COMES NOW BCB Cheyenne LLC, through its counsel, Patrick Murphy, and pursuant to Local Rule 7.1(b), hereby files this motion asking the Court to (a) allow BCB an over-length brief of

25 pages to respond to the MineOne Defendants' 25-page over-length *Motion to Compel Discovery and for Sanctions* [ECF 366] ("*Motion to Compel Discovery*"), and (b) granting BCB an extension of time from October 4 to October 21, 2024 to file its Response/Opposition to the MineOne Defendants' *Motion to Compel Discovery*. Because BCB's counsel, Patrick Murphy, and client representative Michael Murphy, have devoted all of their time and effort to supporting and pursuing the Parties' recent settlement negotiations (September 29 – October 3, 2024), because the MineOne Defendants received a three-day extension of time to file their 25-page *Motion to Compel Discovery* [ECF 366], and because the Court granted the MineOne Defendants' request to file a 25-page over-length *Motion to Compel Discovery*, and because Michael Murphy and Patrick Murphy need additional time to adequately research and write BCB's Response to the MineOne Defendants' 25-page *Motion to Compel Discovery*, BCB respectfully asks the Court that it grant BCB an extension of time, through and including October 21, 2024, to file a 25-page Response to the MineOne Defendants' *Motion to Compel Discovery* [ECF 366]. In support of this Expedited Motion, BCB respectfully shows the Court as follows:

1. On September 16, 2024, over BCB's objection, Magistrate Judge Hambrick granted the MineOne Defendants a three-day extension of time, from September 17, 2024 to September 20, 2024 to file their Motion to Compel Discovery [ECF 358].
2. On September 19, 2024, over BCB's objection, Magistrate Judge Hambrick granted MineOne Defendants leave to file a 25-page Motion to Compel Discovery [ECF 362].
3. On September 20, 2024 at 10:51 o'clock p.m., the MineOne Defendants filed their 25-page Motion to Compel Discovery and for Sanctions, together with 30 exhibits [ECF 366]. The filing consisted of 426 pages. Patrick Murphy first saw this pleading on Saturday morning, September 21, 2024.
4. On Monday, September 23, 2024, BCB and Patrick Murphy took the deposition of Yialing Guo with Bitmain Georgia. Mr. Guo was in Hong Kong for his Zoom deposition.

5. On Tuesday September 24, 2024 and Thursday, September 26, 2024 BCB and its counsel timely filed a Response Brief [ECF 370] and a Reply Brief [ECF 377] to various motions. Both of these pleadings took significant time to research and write.

6. On Thursday, September 26, 2024, counsel for all the Parties presented their oral arguments to the Court on MineOne's motion to modify the 4/25/24 Revised Scheduling Order. ***Everyone agreed*** that the Court should push back, by three weeks, the deadlines for the Parties to file their dispositive motions, motions in limine, all other motions, their responses and replies thereto, and the Joint Pretrial Memorandum. The Court then took the Parties' arguments and presentations under advisement, but counsel for BCB believed the Court would soon push back those deadlines pursuant to ***the Parties' agreement and stipulation*** that such extensions were in everyone's best interests, including the Court's best interest.

7. On Friday, September 27, 2024 BCB and Patrick Murphy took the all-day deposition of Erick Rengifo by Zoom. Much time was required of BCB's counsel and Michael Murphy to prepare for taking Dr. Rengifo's deposition.

8. Patrick Murphy and BCB worked with BCB's Emory Patterson all day Saturday, September 28, 2024 to prepare Mr. Patterson to give his deposition to MineOne and Paula Colbath on September 30, 2024 the deposition discovery cutoff.

9. In any extra time between September 24-28, 2024, Patrick Murphy and Michael Murphy continued researching BCB's future Response to the MineOne Defendants' 9/20/24 *Motion to Compel Discovery*.

10. Then, early Sunday morning, September 29, 2024, something positive finally happened. Paula Colbath called Pat Murphy. Pat Murphy returned Ms. Colbath's call at/near 8:20 a.m. that Sunday morning, right before walking into 8:30 Mass. Ms. Colbath and Patrick Murphy discussed that each of our client representatives – Michael Murphy for BCB and Erick Rengifo for the MineOne

Defendants – now wanted to talk directly to each other to explore potential settlement of this entire case. Patrick Murphy and Paula Colbath agreed, on that Sunday morning phone call, it was hugely important that their clients meet with each other, without any of the lawyers, to explore and dialogue with each other to pursue a global settlement dialogue. Both Mr. Murphy and Ms. Colbath told each other these renewed settlement negotiations between BCB (Michael Murphy) and the MineOne Defendants (Erick Rengifo) were so important that: (a) Paula Colbath suggested that she postpone taking Emory Patterson’s deposition the next day (September 30), and (b) Patrick Murphy agreed to vacate Emory Patterson’s deposition the next day, and provide Mr. Patterson for his deposition on a mutually convenient date later in October, should the Parties’ new settlement negotiations not bear fruit. Patrick Murphy provided Michael Murphy’s cell phone number to Paula Colbath so Ms. Colbath could provide it to Erick Rengifo (so Dr. Rengifo could call Michael Murphy to arrange for a Zoom settlement call later that day). *See “Exhibit A.”* While Patrick Murphy was in 8:30 a.m. Sunday morning Mass, Paula Colbath emailed Patrick Murphy, saying:

This will also confirm our conversation that we will not go forward tomorrow with Emory Patterson’s deposition, *as the parties are focused on efforts to resolve the matter.* If settlement discussions are unsuccessful, you agreed to provide a date in the future for Mr. Patterson’s deposition. If my understanding of our conversation is accurate please let me know ASAP. *Id.* (emphasis added).

11. In our 9/29/24 phone call, Ms. Colbath and Mr. Murphy expressed to each other that these [new] settlement negotiations were the most important thing we could do to aid and assist our clients in the coming days, and potentially the entire week. Patrick Murphy told Ms. Colbath he would focus all his time and effort this week helping and assisting BCB reach a settlement with all Defendants.

12. Michael Murphy and Erick Rengifo had the first of their multiple Rule 408 Zoom settlement calls with each other on Sunday night, September 29, 2024. They have continued having Zoom settlement calls every day since then, and they are often joined on these Zoom settlement calls

by MineOne's Jiaming Li and BCB's Emory Patterson. Michael Murphy and Dr. Rengifo have had three Zoom settlement calls this morning, October 3, 2024, to continue working on final settlement details. They have a fourth Zoom call scheduled early this evening.

13. On Tuesday, October 1, 2024, Michael Murphy told Patrick Murphy that, following his late-day Zoom settlement call with Erick Rengifo and Jiaming Li, he (Michael Murphy) believed that the Parties had reached a “settlement framework in principle on their extended Zoom settlement call early this morning.” Patrick Murphy then sent his October 2, 2024 email to Paula Colbath saying:

Michael Murphy is now reporting to me that he, Erick and Jiaming just reached a settlement framework in principle on their extended Zoom settlement call early this morning. And that each of them expressed to one another, at the end of their Zoom call, they have a settlement framework in principle.

Michael also says we need to “paper” this settlement framework, starting immediately.

Michael and I will take the laboring oar with writing the proposed draft of the written settlement agreement.

And we will use, as our template, much of the language and organization in our BCB/Bitmain Georgia Settlement Agreement.

Would you please reach out to Erick and Jiaming to confirm this, Paula?

It is urgent, Michael says, that the Court be able to distribute the attached funds (currently invested, through the registry of the Court, with the Department of the Treasury, the Clerk tells me) ASAP...so the Parties can invest their allocated funds in Bitcoin ASAP.

See “Exhibit B.” Ms. Colbath replied, saying, “I understand your side is drafting the settlement agreement and we look forward to reviewing it soon.” *Id.*

14. At 9:52 p.m. Mountain Time on October 2, 2024, Michael Murphy emailed Paula Colbath, Erick Rengifo and Jiaming Li with the near-complete draft Settlement Agreement BCB (Michael Murphy) worked so hard to write on October 2, 2024. The MineOne Defendants and their counsel now have the nearly-completed proposed Settlement Agreement. And Patrick Murphy emailed Ms. Colbath throughout the day on October 2, 2024 with details and the suggested mechanics for

effectuating the Parties' Settlement Agreement, including the proposed distribution of the 10/2/24 current balance of \$15,253,384.96 of attached (Writ) funds in the Registry of the Court. *See* Patrick Murphy's 10/2/24 10:25 email to Paula Colbath ("Exhibit C").

15. But we need to back up to Tuesday, October 1, 2024 (while settlement negotiations were being had in earnest between Michael Murphy, Dr. Rengifo, and Dr. Li). Patrick Murphy wrote an extensive email to Paula Colbath at 4:26 p.m. that afternoon, copying Marc Gottlieb. *See "Exhibit D."* In that email, Patrick Murphy told Paula Colbath (and Marc Gottlieb) the following:

Thank you for your phone call on Sunday morning before my 8:30 am Mass. Our client representatives are talking and Zooming, trying to discern a path toward a global settlement. That goal is important to each and all of us. And I appreciate you encouraging this settlement dialogue between our client representatives . . .

And, suddenly, BCB feels our clients made a meaningful and significant "breakthrough" in their most recent Zoom settlement call, to wit, an idea is now on the table that could materialize and mature into a global resolution. BCB has made significant moves toward global resolution, and BCB wants to continue on this path to resolution. Michael and Emory feel Erick and Jiaming do, too. And, as I understand it from Michael and Emory, another Zoom settlement call is scheduled this evening [and our clients have already had two Zoom settlement calls today].

I know you hit the "pause button" on your Sunday preparation for Emory Patterson's deposition. And you vacated Emory's September 30 deposition with my assurance that I will later provide Emory for your deposition of him at a future time that is mutually convenient for you, Emory and me.

Actually, each of us hit the "pause button" on the lawsuit/litigation activity to instead dedicate our best efforts and support to helping our respective clients discuss, and hopefully reach, a global settlement this week, perhaps very early next week. I know this: all of my efforts the last 56 hours are wholly devoted to helping Michael and BCB reach a compromise settlement with all remaining Defendants. And I know this, too: all of my efforts in the coming hours and days will be dedicated to seeking a settlement, not litigating.

In this spirit, which I believe you share, I write to suggest that we do some things to help each of us and our clients. Given the fact that dispositive motions are currently due this Friday, October 4, and given the fact we haven't yet received Judge Johnson's Order on our stipulated request to push back all the briefing deadlines three weeks, and given the fact you and I are using all our efforts to promote and aid our clients with their new (9/29/24 and ongoing) settlement efforts, I think you and I should agree to a few things.

I think I should agree to grant you an extension of time to file Responses to any motions BCB has filed that MineOne hasn't already responded to. The two motions that come to mind are

BCB's 9/20/24 Motion to quash and strike withdrawn Bitmain Georgia expert John Hayward, and BCB's Motion to Quash/strike MineOne's Subpoena on JWJ Technology, LLC. If there is another outstanding BCB motion, I can't now recall it.

And I would like your agreement to do the same for BCB serving its Response to MineOne's 25-page Motion to Compel Discovery. Michael Murphy is heavily involved with researching and drafting BCB's [future] Response to that Motion, but all of Michael's time and effort is being put 100% into his settlement dialogue with Erick and Jiaming. And, if our clients don't settle, I would be seeking your consent to file a parallel 25-page Response, as well as some extra days — like MineOne was granted — to serve BCB's Response.

So here's my thought while our clients dedicate themselves to this "new" settlement dialogue. I would agree that MineOne have two weeks after the cessation of these settlement talks to file their Responses to BCB's Motions. And I would appreciate MineOne granting BCB the same two-week extension to file its Response to MineOne's Motion to Compel Discovery — beginning when you and I jointly declare these new settlement efforts are at an impasse.

Finally, I feel you and I should jump on a quick call this afternoon and ask to speak to Judge Johnson's judicial assistant, Sarah. We should inform the Court that, starting last Sunday, our client representatives are having face-to-face settlement dialogue (with both parties wanting and trying to reach a global settlement). That, as their counsel, you and I encouraged and help enable these settlement discussions. That these "new" negotiations are being conducted in earnest. And, while we don't know if our clients will reach a settlement, we, as their counsel, are dedicating our current efforts to helping (if only in the background), and not to litigating. And, while we are not requesting or pushing for the Court to enter any quick Order on the substantive issues we discussed in the September 26 hearing with His Honor, both of us would appreciate the Court quickly entering a short Order pushing back all the briefing deadlines by three weeks (as all Parties agree should happen) (bold and italics emphasis added).

Ms. Colbath wrote her reply email to Patrick Murphy very shortly thereafter. *Id.* Ms. Colbath said:

Pat: I just Zoomed with Drs. Rengifo and Li. I have been advised that there is a settlement framework under discussion, but as we know as lawyers, the devil is always in the details. I understand your side is drafting the settlement agreement and we look forward to reviewing it soon. In the meantime, we must all honor the deadlines we currently face, including getting Emory's deposition on the schedule for next Wednesday. Hopefully, we will have an inked deal before then, maybe as early as this week. Once we receive your draft settlement agreement, we will review it with our clients and get back to you ASAP with our comments.

Again, we are on standby to review the draft settlement agreement that I understand Michael is working on.

16. Yesterday, October 2, 2024, Patrick Murphy again wrote to Ms. Colbath, saying:

Let me provide the following information before you and I jump on a call to Judge Johnson's chambers to ask the Court to issue a short order pushing back our briefing deadlines by three weeks, ***and also issue the Court's written Order granting our joint request to push back BCB's***

Response deadline on the Motion to Compel to two weeks after any settlement impasse, and also pushing back – by two weeks – whatever briefing due date(s) MineOne may want.

1. The Clerk of the District Court just told me the current balance (as of today, October 2), in the court registry, is \$15,253,384.96. The Clerk also advised me that it could take anywhere from 4-10 days from the date Judge Johnson signs an Order releasing and distributing the funds for the Clerk to be able to wire our clients their monies. She said the “minimum time” is three days, and was just speculating beyond that.
2. I have depositions already scheduled in my *Thunderhead Ranch* case on October 9-11 and 14, as well as a mediation in that case. The earliest date I am available for Emory Patterson’s deposition is Tuesday, October 15. I just moved something to make October 15 available for Emory’s deposition (should we ever need it).
3. Michael and I are getting crackin’ on the draft Settlement Agreement.

Thank you, Paula.

See Patrick Murphy’s 10/2/24 email to Paula Colbath (“**Exhibit E**”) (emphasis added).

Ms. Colbath quickly replied to Patrick Murphy’s October 1 email. Ms. Colbath wrote:

Pat: I’ve now had a chance to read your entire email **and do think what your proposing makes sense under the circumstances**. I want to have a quick call with my team to make sure that I understand all upcoming deadlines for all of us and then I’m agreeable to make a all to Judge Johnson’s Chambers once you, me and Marc agree on a proposed timeline.

Paula

See “Exhibit D” (emphasis added). Yes, it makes perfect sense.

But, surprisingly, Ms. Colbath then wrote back to Mr. Murphy that same day, saying:

Pat: ***I’m sorry if I have not been clear. I’m not authorized to consent to any further extensions of time on any filings.*** As you know, the MineOne Defendants filed a motion, which is fully briefed and pending decision before Judge Johnson, requesting a 3 week extension of time to dates relating to motions for summary judgment, motions in limine, and the Pre-Trial Order. You consented to extend those dates and Judge Johnson heard oral argument from us. I don’t see any reason that we should be contacting g to contacting (sic) Judge Johnson’s Chambers. To be clear, except for the dates that are the subject of the pending motion, we intend to adhere to the current deadlines.

Please keep me posted as to when you think you will be sending me a draft settlement agreement, so that I can carve out time in my schedule to review it.

Id. (emphasis added) (“**Exhibit F**”).

Then, in the evening of October 2, 2024, Ms. Colbath, on her meet and confer on this instant motion, replied to Pat Murphy saying, in part:

Your gall knows no limits . . . we vehemently oppose your requested time extension to October 29. With regard to your request for a page extension (to 25 pages), we are agreeable to afford the same number of pages we were afforded, namely, 25 pages **solely on the condition that BCB agrees to afford the MineOne Defendants 10 pages for their Reply.** We look forward to receiving your Opposition on Friday, October 4th. *Id.* (emphasis in original).

See “Exhibit G.”

17. So now, after Ms. Colbath told Patrick Murphy she “think[s] what [Pat Murphy was proposing about pushing back the briefing deadlines by three weeks, and ‘MineOne granting BCB the same two-week extension to file its Response to MineOne’s Motion to Compel discovery – beginning when you and I jointly declare these new settlement agreement efforts are at an impasse’] **makes sense under the circumstances,**” and she is agreeable to make a quick call to Judge Johnson’s chambers once you, me and Marc agree on a proposed timeline,” Ms. Colbath now reverses course and is not willing to consent to BCB having any extension on BCB’s October 4, 2024 deadline to file its Response to the MineOne Defendants’ Motion to Compel Discovery and for Sanctions.

18. Ms. Colbath’s sudden reversal comes even after: 1) Ms. Colbath knows that all of BCB’s September 29-October 3 efforts have been spent trying to settle this case; 2) MineOne received an extension of time to file its Motion to Compel Discovery and for Sanctions; 3) MineOne received the Court’s permission to file a 25-page over-length Motion to Compel Discovery; and 4) no harm or prejudice will befall MineOne by granting BCB an extension of time, through October 21, to file its Response to MineOne’s Motion to Compel Discovery and for Sanctions. Having been granted its own extension of time to file its 25-page Motion to Compel, it is unfathomable that MineOne will not agree that BCB should receive **any** extension to file its Response.

19. Nevertheless, Patrick Murphy continued to confer with Ms. Colbath about her requested consent to both this First Expedited Motion and BCB’s Second Expedited Motion to push back the

agreed briefing deadlines by three weeks. See Patrick Murphy's October 2, 2024 email to Paula Colbath and Ms. Colbath's October 3, 2024 reply email (where Ms. Colbath seemingly will not now agree to *any* extension for BCB to file its Response to MineOne's Motion to Compel Discovery. See "Exhibit E" and "Exhibit F."

20. The interests of justice require that BCB be given a short extension of time – from October 4 to October 21, 2024 – to research, write and present its thoughtful and best work product to the Court in its forthcoming Response to MineOne's Motion to Compel Discovery. BCB and its counsel have not had the time or opportunity to research or write their Response as of October 3, 2024. All of Patrick Murphy's efforts, and Michael Murphy's efforts, have been focused for these last 18 days on all the litigation and settlement activity described above. Should settlement fail in the coming days, Patrick and Michael Murphy need until October 21, 2024 to research and write their Response to MineOne's *Motion to Compel Discovery*.

21. MineOne will suffer no prejudice if the Court grants BCB this short extension of time. MineOne has yet to provide BCB with available dates for BCB's requested depositions of MineOne's Jiaming Li and Haku Du, despite Judge Hambrick's September 9 Order where Judge Hambrick ordered MineOne to produce their available dates "*as soon as possible.*" [ECF 339]. The deposition discovery cutoff ended on September 30, and MineOne never provided any deposition dates for Dr. Li or Ms. Du. BCB's counsel agreed to make Emory Patterson available for his re-scheduled deposition, and that will happen if there is no settlement. MineOne has not articulated any actual prejudice with receiving BCB's Response on October 21 (instead of October 4). MineOne clearly does not want BCB to have the opportunity to present its best and most thoughtful Response to the Court. MineOne wants to jam and pressure BCB and its counsel into providing an ill-prepared Response during the week Michael and Patrick Murphy are totally focused on pursuing, and reaching, a global settlement of this case this week. This is unjust.

22. There is more. MineOne wrongfully links its consent that BCB be allowed 25-pages for its Response to MineOne receiving 10 pages for its future Reply. This, too, is unjust and unneeded. MineOne received 25 pages and BCB should receive the same 25 pages. Any issue as to whether MineOne should also receive 10 pages for its 5-page Reply is premature. BCB knows that MineOne does not need 10 pages for its Reply, and MineOne is wrongfully linking its consent for BCB's 25-page Response to MineOne getting double the pages it needs for any Reply.

CONCLUSION

BCB Cheyenne LLC and its counsel, Patrick Murphy, respectfully request that the Court quickly enter its Order granting BCB an extension of time from October 4 to October 21, 2024 to file its 25-page Response to the MineOne Defendants' 25-page *Motion to Compel Discovery and for Sanctions* [ECF 366]. A [proposed] Order is attached for the Court's consideration.

DATED this 3rd day of October, 2024.

BCB CHEYENNE LLC d/b/a
BISON BLOCKCHAIN, Plaintiff

By: /s/ Patrick J. Murphy
Patrick J. Murphy (WSB No. 5-1779)
Scott C. Murray (WSB No. 7-4896)
Williams, Porter, Day & Neville, PC
159 N Wolcott St. Suite 400
Casper, WY 82601
Ph: (307) 265-0700
pmurphy@wpdn.net
smurray@wpdn.net

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing document was served upon counsel as indicated below this 3rd day of October 2024.

Sean M. Larson, WSB No. 7-5112 Kari Hartman, WSB No. 8-6507 HATHAWAY & KUNZ, LLP P.O. Box 1208 Cheyenne, WY 82001 slarson@hkwyolaw.com khartman@hkwyolaw.com	<input type="checkbox"/> U.S. Mail (prepaid) <input checked="" type="checkbox"/> CM/ECF Electronic Transmission <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail
Marc S. Gottlieb ORTOLI ROSENSTADT, LLP 366 Madison Avenue, 3rd Floor New York, NY 10017 msg@orllp.legal	<input type="checkbox"/> U.S. Mail (prepaid) <input checked="" type="checkbox"/> CM/ECF Electronic Transmission <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail
Meggan J. Hathaway Jane M. France SUNDALH, POWERS, KAPP & MARTIN, LLC 500 W. 18 th Street, Ste. 200 Cheyenne, WY 82003 mhathaway@spkm.org jfrance@spkm.org	<input type="checkbox"/> U.S. Mail (prepaid) <input checked="" type="checkbox"/> CM/ECF Electronic Transmission <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail
Paula Colbath, <i>Pro Hac Vice</i> Alex Inman, <i>Pro Hac Vice</i> David Forrest, <i>Pro Hac Vice</i> Leily Lashkari, <i>Pro Hac Vice</i> LOEB & LOEB LLP 345 Park Avenue New York, NY 10154 pcolbath@loeb.com ainman@loeb.com dforrest@loeb.com llashkari@loeb.com	<input type="checkbox"/> U.S. Mail (prepaid) <input checked="" type="checkbox"/> CM/ECF Electronic Transmission <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic Mail

By: /s/ Patrick J. Murphy

Patrick J. Murphy